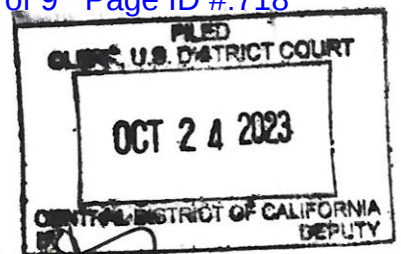


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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

CALES L. MCGILLVARY  
PLAINTIFF

v.

NETFLIX ET AL  
DEFENDANTS

CIVIL ACTION NO.

2:23-CV-01195-JLS-SK

HON. JOSEPHINE L. STATION, U.S.D.J.

HON. STEVE LIM, U.S.M.J.

DECLARATION IN SUPPORT OF MOTION FOR  
SERVICE BY PUBLICATION UNDER CAL.  
CODE OF CIV. PROCEDURE ~~CAL. CODE~~ § 415.50(w)(1)

I, CALES L. MCGILLVARY, DECLARE PURSUANT TO  
28 USC 1746 THE FOLLOWING:

- 1.) I AM THE PRO SE PLAINTIFF IN THE ABOVE CAPTIONED MATTER
- 2.) I INCORPORATE BY REFERENCE "95", "111", & "174"  
FROM MY FIRST AMENDED COMPLAINT IN THIS MATTER AS  
SHOWING THAT ON JANUARY 10, 2023, NETFLIX &  
RAWTV, ACTING JOINTLY, PUBLISHED SLANDEROUS &  
FALSE STATEMENTS BY GABRIEL ROBERT SANCHEZ  
("GRS") UNDER HIS ALIAS, "GABRIEL FRANCISCO."
- 3.) ON JANUARY 13, 2023, I RECEIVED VIDEOGRAM  
MESSAGES VIA SPAY FROM WILLIAM RATLIFF WHICH  
CONTAINED THE STATEMENTS DESCRIBED IN "2" ABOVE.  
THIS WAS MY FIRST TIME LEARNING ABOUT THE STATEMENTS
- 4.) I AM CURRENTLY INCARCERATED IN NJ STATE PRISON,  
& DO NOT HAVE ACCESS DIRECTLY TO THE INTERNET. I CAN

ONLY TEN PHONE NUMBERS, WHICH MUST FIRST BE APPROVED BY THE NSSP ADMINISTRATION IN A PROCESS WHICH TAKES APPROXIMATELY 3 MONTHS. THE LAW LIBRARY HERE AT THE NSSP DOES NOT HAVE RESOURCES FOR CALIFORNIA, WHETHER IN THE FORM OF DIRECTORIES OR LEGAL RESOURCES. MY ABILITY TO EXERCISE DUE DILIGENCE IN LOCATING NETFLIX OR GRS TO SERVE A RETRACTION DEMAND WERE THEREFORE LIMITED TO MESSAGING PEOPLE VIA JPAY & ASKING THEM TO HELP ME LOCATE THE DEFENDANTS.

5) ON JANUARY 15, 2023, I BEGAN SENDING EMAILS VIA JPAY TO PEOPLE ON MY CONTACT LIST, ASKING FOR ASSISTANCE IN PREPARING FOR A LAWSUIT AGAINST NETFLIX & GRS. IN TOTAL, I SENT 45 DIFFERENT PEOPLE MESSAGES REQUESTING ASSISTANCE IN RESEARCH FOR MY INTENDED LAWSUIT IN THIS MANNER BETWEEN JANUARY 15 TO JANUARY 21, 2023.

6) ON JANUARY 27, 2023, I SENT 5 DIFFERENT PEOPLE A REQUEST VIA JPAY, TO HELP ME LOCATE NETFLIX'S COUNSEL & GRS; USING SEARCHES OF THE INTERNET & SEARCHES OF THE INVESTIGATIVE DATABASE,

"WWW.BEENVERIFIED.COM". JPAY HAS RECORDS OF THESE MESSAGES.

7) DURING THE PERIOD FROM JANUARY 24 - 26, 2023, I COMMUNICATED VIA EMAIL WITH HANNAH VAN DE PEER, A NEWSPERSON AT "THE TAB", A NEWS

PUBLICATION WITH TENS OF MILLIONS OF READERS WORLDWIDE. I ASKED HER TO PUBLISH MY RETRACTION DEMAND AGAINST NETFLIX & "GABRIEL FRANCISCO", GRS'S RECOGNIZED ALIAS, REGARDING THE STATEMENTS DESCRIBED IN "2" ABOVE. SHE DID, IN FACT, CONTACT BOTH NETFLIX & GRS, & GRS & NETFLIX THEREBY RECEIVED PLAINTIFF'S RETRACTION DEMAND FROM HER IN WRITING VIA EMAIL, TO THE BEST OF MY INFORMATION & BELIEF. GRS RESPONDED TO HER IN WRITING INDICATING KNOWLEDGE OF MY RETRACTION DEMAND BUT REFUSING TO RETRACT HIS STATEMENTS, TO THE BEST OF MY KNOWLEDGE & BELIEF. ON OR ABOUT 1/26/23, HANNAH VAN DE PEER PUBLISHED MY RETRACTION DEMAND ON "THE TAB'S" WEBSITE & IN THE TAB PUBLICATION CLEARLY INDICATING THE SUBSTANCE OF THE STATEMENTS WHICH I ALLEGED ARE DEFAMATORY, IN AN ARTICLE ALSO CONTAINING THE SUBSTANCE OF GRS'S REFUSAL TO RETRACT HIS STATEMENT. THE ARTICLE ITSELF, "EXCLUSIVE: WAS THE HATCHET WIELDING HITCHHIKER WILL BE SUING NETFLIX FOR DEFAMATION" IS ANNEXED HERETO & INCORPORATED HEREIN FROM "THE TAB'S" BUSINESS WEBSITE:

[HTTPS://THETAB.COM](https://thetab.com)

8.) ON MY INFORMATION & BELIEF, GRS WAS AT HIS PLACE OF RESIDENCE WHEN HE RECEIVED THE NOTICE

IN WRITING OF MY RETRACTION DEMAND FROM  
HANNAH VAN DE PEER

9.) AS PLED IN "99" OF THE FIRST AMENDED COMPLAINT ("FAC"); GRS JOINED THE NRSR CONSPIRACY ON OR ABOUT SEPTEMBER 5, 2021; & SINCE THE PROCEEDS OF THE CONSPIRACY CONTINUE TO BE DISPERSED WITH EACH MONETARY TRANSACTION DESCRIBED IN "223" OF THE FAC; NOTICE TO GRS OF MY RETRACTION DEMAND IS CONSTRUCTIVE NOTICE TO ALL OF HIS NRSR COCONSPIRATORS & SHOULD BE CONSTRUED AS NOTICE TO EACH NRSR COCONSPIRATOR.

10.) SPAN ROUTINELY HOLDS ONTO MESSAGES FOR 2 OR MORE DAYS FROM WHEN THE MESSAGE IS SENT TO WHEN I RECEIVE IT. THIS HAPPENS MORE FREQUENTLY WITH MESSAGES CONTAINING WHAT PURPORTS TO BE CONTACT INFORMATION. ON MY INFORMATION & BELIEF, THIS IS BECAUSE THE NJ STATE PRISON REVIEWS THE MESSAGES TO MAKE SURE THEY DON'T CONTAIN INFORMATION THAT WOULD POSE A THREAT TO THE SECURITY OF OPERATIONS AT THE FACILITY.

11.) ON FEBRUARY 3, 2023, I RECEIVED A REPLY FROM ONE OF MY LETTERS TO MY FANS REFERRED TO IN "5" & "6". THIS REPLY CONTAINED GABRIEL ROBERT SANCHEZ'S TRUE NAME & PHYSICAL ADDRESS. THIS WAS MY FIRST TIME DISCOVERING, & THE EARLIEST POSSIBLE



DATE UPON WHICH I COULD DISCOVER WITH REASONABLE EXERCISE OF DUE DILIGENCE, THE RESIDENCE OF GRS AT WHICH TO SERVE A RETRACTION DEMAND, BECAUSE 24 DAYS HAD ELAPSED FROM THE PUBLISHING OF THE DEFAMATION, I WAS OUTSIDE OF THE 20 DAY TIME LIMIT FOR SERVING WRITTEN NOTICE IN THE USUAL MANNER, WHICH IS IMPOSED BY CAL. CIV. CODE, 46.

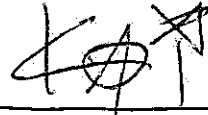
12.) I HAVE EXERCISED REASONABLE DUE DILIGENCE TO LOCATE & SERVE A RETRACTION DEMAND UPON GRS & NETFLIX IN THE MANNER & WITHIN THE TIME PRESCRIBED BY CAL. CIV. CODE 48; AS DECLARED ABOVE IN "3" - "11", IF THE COURT FINDS THAT THE WRITTEN NOTICE DESCRIBED IN "8" WAS INSUFFICIENT UNDER ORDINARY SERVICE REQUIREMENTS, IT IS IN THE INTERESTS OF JUSTICE TO CHARACTERIZE THE WRITTEN RETRACTION DEMAND DESCRIBED IN "7" AS SERVICE BY PUBLICATION UNDER CAL. ~~CIVIL CODE~~ <sup>CODE OF CIV. PROC.</sup> 415.50, WITHIN THE 20 DAY TIME LIMIT PRESCRIBED BY CAL. CIVIL CODE 48.

13.) FOR ALL THE FOREGOING REASONS, & FOR ALL THE REASONS GIVEN IN MY MOTION, IT IS IN THE INTERESTS OF JUSTICE TO GRANT AN ORDER FOR SERVICE OF THE RETRACTION DEMAND UPON GRS & NETFLIX BY PUBLICATION AS DESCRIBED IN "7" - "9".

14.) PLAINTIFF ADOPTS BY REFERENCE HIS FAL HEREIN, SHOWING A CAUSE OF ACTION

15.) MY AGENTS DESCRIBED IN "5" & "6" ABOVE WERE UNABLE BY ANY NUMBER OF HONEST ATTEMPTS TO LOCATE OR LEARN DEFENDANT'S WHEREABOUTS OR HIS ADDRESS BY INQUIRY OF FRIENDS, RELATIVES, ACQUAINTANCES, OR EMPLOYERS; OR BY INVESTIGATION OF APPROPRIATE CITY & TELEPHONE DIRECTORIES, THE VOTER'S REGISTER, OR THE REAL & PERSONAL PROPERTY INDEX IN THE ASSESSOR'S OFFICE NEAR FRESNO, CA; BECAUSE GRS USED AN ALIAS OTHER THAN HIS LEGAL NAME WHEN PUBLISHING THE DEFORMATION IN "2" & THEREBY CONCEALED HIS IDENTITY & OBSTRUCTED EFFORTS TO LEARN HIS WHEREABOUTS. PLAINTIFF DEPLOYED NO LESS THAN 45 AGENTS TO ASSIST IN THE SEARCH FOR "GABRIEL FRANCISCO"; & DID NOT UNCOVER GRS'S LEGAL NAME EXCEPT BY EXTRAORDINARY INVESTIGATIVE EFFORTS UNTIL 2/3/23; WHEN THE TIME ALLOTTED BY CAL. CIV. CODE 48a(a) HAD ALREADY RUN OUT. THE FACT OF MY ELICITATION OF AGENTS TO ASSIST IN THE LOCATION OF DEFENDANT CAN BE SHOWN BY COMPUTER RECORDS KEPT BY SPAY, A REPRESENTATIVE OF WHOM, IF SUBPOENAED, COULD PRODUCE THE RECORDS & TESTIFY TO THE ACCURACY OF THE FACTS HEREIN DECLARED IN "5", "6", "10", & "11" ABOVE. DEFENDANT THEREFORE COULD NOT BE SERVED WITHIN TIME IN ANOTHER MANNER SPECIFIED BY CAL. CODE OF CIV. PROC. 415.

I DECLARE UNDER PENALTY OF PERJURY THAT THE  
FOREGOING STATEMENTS ARE TRUE & ACCURATE  
EXECUTED THIS 16<sup>TH</sup> DAY OF OCTOBER, 2023



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## Section 2

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TRENTON NJ 085



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CLERK U.S. DISTRICT COURT  
OCT 24 2023  
CENTRAL DISTRICT OF CALIFORNIA  
DEPUTY  
ST.  
15TH FLOOR

HON. STEVE KIM, USMS

IN CHAMBERS

USDC - CDCA

255 E. Temple St.

Couplet Room 540, 5th Floor

LOS ANGELES, CA

20072

A detailed handwritten diagram of a DNA double helix. The two strands are represented by parallel lines, with the bases connected by horizontal rungs. The bases are labeled with their chemical structures: Adenine (A), Thymine (T), Guanine (G), and Cytosine (C). The diagram shows the characteristic right-handed twist of the DNA molecule.



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